

**DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT
DIVISION OF CODES AND STANDARDS**

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TO: POTENTIAL APPLICANTS

FROM: COMMUNITY CODE ENFORCEMENT PILOT PROGRAM

RE: APPLICATION PROCESS

INTRODUCTION

The Community Code Enforcement Pilot Program (CCEPP) is a new program whose aim is to make funds available as grants to cities, counties, and cities and counties to create a pilot program in which the department awards grants to communities that develop a code enforcement program that will substantially reduce the incidence of substandard housing through the use of creative and coordinated techniques of code enforcement involving an interdepartmental approach at the local government level and community participation. Funds shall be used to develop a code enforcement team consisting of a least one full-time code enforcement officer and a part-time city planner, health officer, or comparable specialist. Applicants shall demonstrate an intent to ensure cooperative and effective working relationships between code enforcement officials and local prosecutorial agencies, the local health department, and local government housing rehabilitation financing agencies.

AB 1382 (Lowenthal) establishes CCEPP (Chapter 8 (commencing with section 17998) to Part 1.5 of Division 13 of the Health and Safety Code). The applicable provisions of the Health and Safety Code commencing with section 17998 will govern the Notice Of Funding Availability (NOFA) and any funded commitments awarded thereunder. Pursuant to Health and Safety Code Section 17998.2 there will be no program regulations. In lieu thereof, the NOFA, application forms and this application process document will serve as guidelines for the commitment and use of funds. Threshold requirements and rating and ranking criteria are set forth below.

PROGRAM OBJECTIVES

It has been determined that frequently there is insufficient funding at the local level for the abatement of code violations involving community residents and utilizing "team" approaches. It is believed that more effective code enforcement is necessary in order to preserve affordable housing that could otherwise be lost through closure or demolition and to avoid displacement of homeowners and tenants. CCEPP was established to provide funding to eligible applicants in order to broaden staffing dedicated to local building code enforcement activities, involve community residents, and achieve improvement in the housing stock in deteriorating neighborhoods. HCD will award the CCEPP grants on a competitive basis. CCEPP staff will review all applications for grants for completeness and compliance with the CCEPP statute and this application process document. Applications will then be rated and ranked based on criteria described below.

APPLICATION INSTRUCTIONS

- Applications for CCEPP grants must be on forms provided by and approved by HCD.
- The application must be filled out completely and include all requested information.
- Application forms must not be modified.
- Please respond to all application guidelines by checking answer boxes where required, furnishing requested information and giving complete narrative answers where appropriate. Attachments may be added when space is insufficient, and must be clearly marked.
- Include all exhibits. Some appendixes have been provided as a part of the application to assist the applicant in the presentation of required information.
- Indicate “not applicable” in both the application and for exhibits, where appropriate.
- If information is not available but is necessary to determine the eligibility of the applicant and/or the eligibility of the project (see Eligibility Criteria and Completeness Review section below), CCEPP staff may reject and return the application as being incomplete.
- Be sure all necessary exhibits are complete and included with the application.
- All exhibits must be tabbed and labeled as identified on the checklist.
- A CCEPP checklist is furnished as a part of the application.

It is the applicant’s responsibility to ensure that its application is clear, complete and accurate. After the application deadline, CCEPP staff may request clarifying information provided that such information does not affect the competitive rating of the application. No information will be solicited or accepted if this information would result in a competitive advantage to an applicant. No applicant may appeal CCEPP staff’s evaluation of another applicant’s application.

Applications that are determined to be eligible, complete and meeting all threshold requirements will be rated and ranked according to the criteria set forth below in the Rating and Ranking of Applications section.

ELIGIBLE APPLICANTS

- The applicant must be a city, county, or city and county.
- All documents attesting to the applicant’s legal status must be current.

ELIGIBLE PROJECTS

- The project must be a program designed to reduce the incidence of substandard housing through:
 - a) The use of creative and coordinated techniques of code enforcement involving an interdepartmental approach at the local level, and
 - b) The involvement of community residents in the code enforcement activity.
- The project must identify, in general terms, the nature, source, and timing of the matching funds, hours, or resources.

GRANT AMOUNTS

- Maximum grant to a single recipient shall not exceed four hundred and fifty thousand dollars (\$450,000).
- Minimum grant to a single recipient shall not be less than one hundred and fifty thousand dollars (\$150,000).

ELIGIBLE USE OF FUNDS

- The grant funding must be used to create a three-year pilot program that initiates a coordinated active community approach to code enforcement and actual expenditures must be for the salary and related costs of a code enforcement officer for the program and directly related program costs.
- The city, county, or city and county must provide and fund at least one city planner, health official and/or comparable specialist for at least 20 hours per week for the three-year duration, or other comparable resources.

GRANT TERMS AND LIMITS

- Grants will be made for a term of three years.
- Grants will be subject to conditions set forth in a Standard Agreement (Contract).

DEFINITIONS

- Administrative Enforcement: That part of the code enforcement program which occurs prior to referral to a prosecution agency, including but not limited to inspections, notices related to inspections or abatements, and appeals within the enforcement agency (or city/county appeals board).
- Building Code: A systematic regulation of construction of residential buildings within a municipality established by ordinance of law.
- Building Restrictions: Zoning, regulatory requirements or provisions in a deed limiting the type, size and use of a building.

- Deteriorated: See, “Substandard”
- Grant: An award of money for a specific purpose without expectation of repayment. However, a grant is usually subject to contractual conditions, and may be disencumbered or required to be repaid if the grantee defaults on contractual conditions.
- Judicial Enforcement: That part of the code enforcement program which occurs after referral to the city attorney, county counsel, or district attorney, including but not limited to informal hearings by the prosecution officer and civil or criminal actions being filed with appropriate courts.
- Local public entity: Any city, county, city and county, redevelopment agency or public housing authority, including any state agency, public district, or other political subdivision of the state, and any instrumentality thereof, which is authorized to engage in, or assist in the development or operation of housing for persons and households of low- or moderate-income.
- Multi-Family Housing: A residential structure containing more than one housing unit, typically rental apartments or condominiums. The Census defines generic multifamily housing as having five or more units, with one-to-four unit structures being considered a separate category.
- Redevelopment Agency: A city or county agency created pursuant to State law to promote the redevelopment of blighted areas, funded by local property taxes.
- Rehabilitation: Repair of deteriorated or substandard housing, usually with the goal of returning it to compliance with applicable building, health and safety codes. Substantial Rehabilitation generally means more extensive restoration or replacement of basic structural elements and primary systems of a building.
- Relocation: Process regulated by state and federal law, by which a public agency, or a private entity acting as part of a public plan or program, which displaces households or businesses, assists and subsidizes them to find comparable replacement housing or business locations.
- Substandard: For the purposes of providing demographic information in the application, use 1990 Census definitions and statistics. For the purposes of program description and design, the applicant may use more current or appropriate definitions or statistical information, such as that developed for federal programs, statistics derived from windshield surveys or other local surveys, or other resources which are consistent with the proposed program design and goals.
- Very low-, low- and moderate-income household: See, Title 25, California Code of Regulations, Sections 6926, 6928, 6930 and 6932.

ELIGIBILITY/THRESHOLD/ COMPLETENESS REVIEW CRITERIA

Staff will conduct an eligibility and completeness review to determine the completeness of the application, the eligibility of the applicant, and the eligibility of the project. An application deemed to be incomplete or ineligible will be removed from further review. The applicant will be notified in writing of the Department's determination. The eligibility and completeness review will be based on the minimum threshold criteria set forth below:

1. Application completeness:

- Application must be filled out completely and include all attachments.
- Application must bear the original signature of the person authorizing submittal.
- The certified resolution must authorize submittal of the application and have the appropriate original signatures. (A letter from the department head may be substituted providing it states a resolution will be obtained at the earliest time feasible and in any event prior to a contract being executed).

2. Applicant eligibility:

- The applicant must be a city, county, or city and county.
- All documents attesting to the applicant's legal status and financial status must be current.

3. Project eligibility:

- The project must be a program designed to reduce the incidence of substandard housing through:
 - a) The use of creative and coordinated techniques of code enforcement involving an interdepartmental approach at the local level, and
 - b) The involvement of community residents in the code enforcement activity.
- The project must identify, in general terms, the nature, source, and timing of the matching funds, hours, or resources.

4. Threshold Requirements:

- The grant funding must be used to create a three-year pilot program that initiates a coordinated active community approach to code enforcement and actual expenditures must be for the salary and related costs of a code enforcement officer for the program and directly related program costs.
- The city, county, or city and county must provide and fund at least one city planner, health official and/or comparable specialist for at least 20 hours per week for the three-year duration or other comparable resource.

APPLICATION SUBMITTAL

The application package must include one complete original and one copy of the complete CCEPP application. Applications should be sent to the below listed address.

U.S. Mail

Department of Housing and Community
Development
Community Code Enforcement Pilot Program
P.O. Box 1407
Sacramento, CA 95812-1407

Private Carrier

Department of Housing and Community
Development
Community Code Enforcement Pilot Program
1800 Third Street, Suite 260
Sacramento, CA 95814

Applications must be received prior to 5:00 p.m., on December 18, 2000. No applications received or delivered after the deadline will be considered in this round of funding. Applications submitted via facsimile will not be accepted. Applications received in the

CCEPP office by the deadline will be date stamped upon arrival and assigned a sequential application number by CCEPP staff. Applications received after the deadline will be returned.

RATING AND RANKING OF APPLICATIONS

All applications that are eligible, complete and meet all the threshold requirements will be rated and ranked according to the following criteria.

Criteria	Maximum Points
1. Demonstration of serious, current housing code enforcement deficiencies within each target area, whether those code deficiencies are in violation of locally enacted ordinances or state codes.	75
<ul style="list-style-type: none">• Designation of target area. (Demographics) (NOTE: information may be derived from documents used for other purposes, such as the federal Consolidated Plan, housing element, or funding requests; sources of information (e.g., 1990 Census) and terms' definitions (e.g., "deteriorated") should be identified.)<ul style="list-style-type: none">a) Geographic boundaries of each target area.b) Ratio of housing units in the target area relative to the total number of housing units in the municipality?c) Percentage of substandard housing within the target area.d) Percent of substandard housing occupied by lower income households in the target area.e) Number of complaints, related to building and housing code standards, within the area relative to the rest of the community. Include complaints from other agencies and private companies,	

- i.e. termite inspectors, utility companies.
 - f) Number of housing units affordable to lower income households that will be rehabilitated or otherwise brought into compliance with applicable building and housing codes as a result of the proposed code enforcement outreach program.
 - g) Target area population and composition based on 1990 census.
 - h) City or unincorporated area population and composition based on 1990 census.
 - The estimated amount of grants and low interest rehabilitation loan funds, from sources other than this program, that will be made available during each of the three program years to the owners of housing units in the target area affordable to lower income households that are determined to need rehabilitation or repair pursuant to the program. Indicate sources and approximate amounts (e.g., redevelopment funds, HOME funds, CDBG funds, etc.)
2. A plan to have high visibility of code enforcement staff and to create close and frequent communication and interaction with property owners, tenants and other residents of the target area, including in the evenings and on weekends. Some methods may include: **50**
- High Visibility
 - a) Means of visibility. E.g. marked car, logo on vest, Sign, ID.
 - b) Frequent visits in the target area, other than scheduled inspection or complaint visits.
 - Close Communication
 - a) Available, phone line with messaging
 - b) Timely responses to request for assistance
 - c) Type of response (e.g., written, telephone, personal)
 - d) Visits to rehabilitation sites during repairs (other than required inspections)
 - e) Multi-lingual documents, forms, and speakers
3. A plan to conduct formal and informal meetings with the community code enforcement team to inform owners and residents of the pilot program. The plan may include: **50**
- Meeting locations to be within target area.
 - Meeting times relative to the needs of the people served.
 - Officials that will attend meetings.
 - Procedures for the meetings.
 - Means of judging public response to meeting.
 - That bi-lingual staff attend meetings.

- Provisions for open discussion groups for interested parties.
4. A plan demonstrating an intent to ensure cooperative and effective working relationships between community code enforcement program officials, local health department officials, local prosecutorial agencies, and officials operating local programs providing public funds to finance affordable rental housing rehabilitation and repairs which includes assistance to owners and prevention or mitigation of resident displacement. **100**
- Demonstrate a commitment from all participating agencies involved with the program to minimize or mitigate displacement, and facilitate repairs and rehabilitation.
 - a) Acknowledgement from officials of all participating agencies.
 - b) A referral system showing available funding through local, state, federal and private assistance programs.
 - Demonstrate consistency of the proposed community code enforcement program with local specific or general plans, including the housing element and federal housing plans.
5. A plan for timely and effective administrative and judicial enforcement of code violations. **50**
- Procedures with landlords, owners and tenants for dealing with violations.
 - a) Write-ups - Notice of Violation.
 - b) Notification to violators and tenants.
 - c) Timeline for re-inspections and legal referrals.
 - d) Extension procedures.
 - e) Mitigating circumstances – “Good faith” efforts.
 - Judicial enforcement.
 - I. Repercussions of noncompliance.
 - II. Guaranteed commitment to prosecute.
 - III. Establishing timelines for compliance.
 - IV. Protection of tenants, if applicable.
 - V. Selection of civil versus criminal prosecution.
6. The application must propose a “program” which includes activity, which can be measured to indicate the success of the program, and which may be replicable in other jurisdictions. Some types of programs may include: **175**
- Employing building code enforcement staff committed to citing and civil or criminal prosecution of violators and meeting with community members who are either neighbors of or residents of substandard housing.

- Increasing (or establishing) administrative hearing procedures and/or staff to expedite administrative hearings and resolution or prosecution of violations and violators, which involve staff, neighbors, residents, and other, interested persons in informal adversarial hearings. (Note: this may include hearing officers, paralegal staff, “gatekeepers” to coordinate hearings, etc.)
- Adding health department staff to existing building code enforcement staff to improve inspections (identifying violations such as lead-based paint problems) and/or improving prosecution and/or improving communications with owners, residents, and neighbors.
- As part of the community involvement program, developing and transmitting written information related to code enforcement, rights of owners and/or tenants; access to sources of financial assistance (for owners and tenants); etc.
- Publicizing procedures and resources related to code enforcement, displacement mitigation or prevention, repair and rehabilitation assistance, and neighborhood involvement in code enforcement to owners, tenants and their advocacy organizations.
- Community outreach, survey, public education through schools and other resources.
- Establishing an emergency repair and/or emergency displacement assistance fund to mitigate impacts on tenants or lower income owner occupants of increased code enforcement activity used in conjunction with increased code enforcement efforts.
- Developing and transmitting written information related to code enforcement, rights of owners and/or tenants; access to sources of financial assistance (for owners and tenants); etc., to be used in conjunction with the increased code enforcement efforts.
- Providing administrative, financial, or other housing assistance to tenants with impending or actual displacement by ordinance, administrative practice, or judicial order.
- Including, within code enforcement administration, components which address special needs populations such as owners or tenants with disabilities, foreign language communication problems and large household sizes.
- Improving the permit and inspection process for repairs and rehabilitation, including providing notice on lead-safe repair procedures, expedited permit processing, or fee waivers.
- Other programs or activities which can be demonstrated to improve neighborhood and resident involvement in code enforcement and/or prosecution of violators and/or mitigate impacts on tenants or lower income homeowners, and/or improve effectiveness of abatement/repair activity.

TOTAL POINTS AVAILABLE:

500

RECOMMENDATIONS

CCEPP staff will prepare a report containing a project summary and a recommendation for all proposed projects determined to be eligible and recommended for funding. The staff report will be presented to HCD's Local Assistance Loan and Grant Committee for review and funding recommendation. The applicant is invited to be present at the Committee meeting with program staff to discuss the proposed project. The Committee's funding recommendations will be forwarded to the Director, Department of Housing and Community Development, for the final funding decision. If insufficient funding is available to meet the needs of all the applications deemed eligible for funding, funds will be awarded on the basis of the rating and ranking described above. All applicants will be informed of their ranking, and the ranking of the localities recommended for funding, prior to the date of the Loan and Grant Committee meeting.

LEGAL INFORMATION

The Department of Housing and Community Development (HCD) reserves the right, at its sole discretion, to suspend or amend the provisions of the NOFA. If such an action occurs, HCD will notify all interested parties. Applicants are urged to carefully review the NOFA, the application documents and Chapter 8, commencing with section 17998 to Part 1.5 of Division 13 of the Health and Safety Code before submitting applications.

INFORMATION AND ASSISTANCE

It is strongly recommended that care and prudence be exercised in the planning of proposed projects, selection of development team members and in the preparation of this application and the attachments. An application that is deemed incomplete based on the above stated eligibility criteria shall be rejected. Staff is available to answer questions regarding the program or the completion of the application and attachments. Please call for assistance or additional information at (916) 445-9471.

CEIP Staff:

Jo Maynard: (916) 445-9471 or jmaynard@hcd.ca.gov
Brad Harward: (916) 445-9471 or bharward@hcd.ca.gov

Thank you for your interest in the Community Code Enforcement Pilot Program.